UNITED STATES PATENT AND TRADEMARK OFFICE

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10/528,284	08/29/2005	Walter Keller	0740-70	6605

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 December 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _9-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _9-28_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _16 March 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _11/18/2005, 12/08/2005_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

This Office Action is response to the application (10/528284) filed on 12/18/2008.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 13-16 *are rejected under 112, second paragraph as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention*

In claim 13, "*all executable programs sent as attachments to e-mails are automatically separated in the JMB*" is indefinite and not clear what this is in reference to. However, the claims will be given a broad reasonable interpretation for the purposes of examination as best understood.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9-16, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fleming**. US Patent No. **6,249,805** in view of **Sundsted** U.S. Patent No. **US 5,999,967.**

Regarding claim 9, Fleming teaches wherein a method to automatically handle

undesired electronic mail (e-mail) in communication networks at the receiver, the

method comprising:

automatically comparing the sender address accompanying an incoming e-mail

to an electronically accessed list of authorized sender addresses assigned to the

receiver **(Fig. 1, unit 106 – authorization component)**; and then

storing the e-mail in a mailbox MB of the recipient **(Fig. 2, unit 205 – store**

selected Email in inbox folder), wherein the only e-mails transferred to the receiver's

mailbox are those that had clearly been sent by authorized senders **(Fig. 2, unit 204 –**

retrieved ID in authorized list).

With respect to claim 9, Fleming teaches the invention set forth above except for

the claimed "*in combination with:*

performing an analysis to see if there is serial, incremental user identification

occurring so that conclusions can be drawn concerning automatic attempts at breaking

into the e-mail system."

Sundsted teaches that is well known to utilize filtering the receiving emails in

combination with performing an analysis to see if there is serial, incremental user

identification occurring so that conclusions can be drawn concerning automatic attempts

at breaking into the e-mail system **(Fig. 3A, unit 23 – Analysis Module; Fig. 4, unit 40**

- serial field).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Fleming's invention by adding analyzing module which

reads the serial number from Serial Number Field. It then checks History Log to see if

this electronic stamp has been received before. If the electronic stamp is found in

History Log, this is a good indication that the electronic mail has been delivered multiple

times, either due to a fault in the electronic mail system or due to malicious intent. In

either case, the electronic stamp and the associated electronic mail should be rejected.

Sundsted further discloses a Serial Number Field 40 which holds the serial number of

the electronic stamp. This number is issued by the sending system. A serial number

must never be reissued. The simplest serial number generator is a counter that is

incremented for each electronic stamp generated (Fig. 4, unit 40), as taught by

Sundsted.

Regarding claim 10, Fleming and Sundsted together taught the method according as

in claim 9 above. Fleming further teaches wherein there are two logically or physically,

or both, separate mailboxes, said mailbox MB **(inbox folder)** and a junk mailbox JMB

(Junk Mail folder), wherein the e-mail server sends to the JMB mailbox all incoming e-

mails that indeed have the subscriber's correct recipient address but are not contained

in the sender list on the receiving side **(If the retrieved ID does not match, than the**

authorization component stores the intercepted electronic mail message in a pre-

designated location, such as a Junk Mail folder – Col. 4, lines 24-27), thus making

them available for further processing selectively by the internet service provider, the

administrative authorities, and by the recipient **(periodically, the user can view the**

Junk mail folder to delete or read (means further processing) the electronic

messages that we designed as junk – Col. 4, lines 34-36).

Regarding claims 11-12, Fleming and Sundsted together taught the method according

as in claim 9 above. Fleming further teaches wherein the incoming e-mails are

selectively put through an automatic handling and analysis process **(The authorization**

component intercepts electronic mail messages that are sent to a user before

they are placed in the user's Inbox folder—Col. 4, lines 15-17), which can be

selectively configured by the recipient and by the ISP **(forwards the electronic mail**

message to the recipient via a communications mechanism such as a local area

network or the Internet – Col. 1, lines 18-20), selectively in the e-mail server, in a

comparison device **(various computer systems – Col. 1, lines 35)**, and in at least one

of the mailboxes **(Inbox folder or Junk Mail folder)**, said process initiated and

configured either on a case-by-case basis or permanently **(Fig. 3)**.

Sundsted further teaches wherein the incoming e-mails are selectively put

through an automatic handling and analysis process, which can be selectively

configured by the recipient and by the ISP, selectively in the e-mail server, in a

comparison device, and in at least one of the mailboxes, said process initiated and

configured either on a case-by-case basis or permanently **(Procmail – Col. 1, lines 30-**

41).

Regarding claims 13-16, Fleming and Sundsted together taught the method according

as in claim 9 above. Fleming further teaches wherein all executable programs sent as

attachments to e-mails are automatically separated in the JMB **(a user can indicate**

that all email messages received from a certain sender can automatically be

stored in a designed folder (e. i.; Junk Mail folder), ... Col. 3, lines 26-28).

Regarding claims 25-28, Fleming and Sundsted together taught the method according

as in claim 9 above. Fleming further teaches wherein the contents of the JMB can be

cyclically deleted at specific time intervals **(Periodically, the user can view the Junk**

Mail folder to delete or read the electronic mail messages that were designated as

junk – Col. 4, lines 33-36).

<u>Claims 17-20</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fleming. US Patent No. **6,249,805** in view of **Sundsted** U.S. Patent No. **US 5,999,967**

further in view of **Weeks** US Patent App. No. **US 20040054733**.

Regarding claims 17- 20, Fleming and Sundsted together taught the method according

as in claim 9 above. However, Fleming and Sundstead are silent in terms of "wherein if

an undesired e-mail is received, discontinuation requests, or cease and desist

demands, can be generated automatically and delivered to the sender".

<u>Weeks</u> teaches that it is well known to have a method "wherein if an undesired e-mail is

received, discontinuation requests, or cease and desist demands, can be generated

automatically and delivered to the sender" **(FIGS. 4-9 provide flow diagrams**

illustrating exemplary processes implemented in the e-mail management system

10 of FIG. 1. – [0011-0016]) in order to make the system more efficient and that prevent

delivery of unsolicited e-mail are known.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Fleming's and Sundsted's invention by utilizing a system

wherein after reviewing the e-mail stored in the inbox folder 102, the user may

determine that an e-mail is an unsolicited e-mail and thus may desire to prevent delivery

of further email from the sender of the unsolicited e-mail. To do so, the user selects the

unsolicited e-mail and places it in the e-mail stop folder 104. The system 10 then

automatically generates stop data 106 based on the unsolicited e-mail stored in the e-

mail stop folder 104 to prevent delivery of any further e-mail sent to the user address

from the sender, as taught by Weeks [0019].

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fleming. US Patent No. **6,249,805** in view of **Sundsted** U.S. Patent No. **US 5,999,967**

further in view of **Lalonde** US Patent No. **US 7,072,944**.

Regarding claims 21-24, Fleming and Sundsted together taught the method according

as in claim 9 above. However Fleming and Sundsted are silent in terms of "*wherein*

virus checks of the e-mail can be carried out selectively at an established time of day or

each time a message arrives."

Lalonde teaches that it is well known to have "wherein virus checks of the e-mail can be carried out selectively at an established time of day or each time a message arrives" **(Fig. 9, unit 174 – virus check)**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fleming's and Sundsted's invention by utilizing virus system in which it solves the major problems of ensuring that the emails are handled in an efficient and timely manner in the email engine. The application is typically provided on a client machine (e.g. PCs) and communicates with a mail server so that, when the client machine receives email from the mail server, the client plug-in authenticates the email as described herein. Thus, each time the virus protection application checks an email for a virus, it also authenticates the email to obtain an authentication indicator which informs a user of the likelihood of the email being spoofed (as taught by Lalonde).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SULAIMAN NOORISTANY whose telephone number is (571)270-1929. The examiner can normally be reached on Monday Through Friday 9:30 am to 5:00 pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Pwu can be reached on 571-272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private PAIR or

Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

Sulaiman Nooristany 12/29/2008

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446